

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRADLEY C. BURCHFIELD,

Plaintiff,

v.

ALIBABA GROUP HOLDING LIMITED,
et al.,

Defendants.

Case No. [22-cv-02925-HSG](#)

**ORDER DENYING MOTION FOR
TEMPORARY INJUNCTION**

Re: Dkt. No. 6

On May 17, 2022, Plaintiff Bradley C. Burchfield filed this civil action and an application to proceed *in forma pauperis*. See Dkt. Nos. 1, 2. On June 15, Judge Westmore granted Plaintiff's application to proceed *in forma pauperis*. Dkt. No. 11. However, in screening the complaint under 28 U.S.C. § 1915, Judge Westmore found that Plaintiff's allegations were insufficient to state a Racketeer Influenced and Corrupt Organizations Act ("RICO") or false advertising claim. *Id.* at 2–3. Judge Westmore therefore dismissed Plaintiff's case for failure to state a claim on which relief may be granted. See 28 U.S.C. § 1915(e)(2). Plaintiff was nevertheless given an opportunity to file an amended complaint by August 31, 2022. *Id.* at 3.

Plaintiff also filed a motion for temporary injunction. See Dkt. No. 6. However, Plaintiff cannot establish that he is entitled to a temporary restraining order under Federal Rule of Civil Procedure 65(b) because there is no operative complaint. Plaintiff's complaint has been dismissed, and he has not yet filed an amended complaint. The Court therefore **DENIES** the motion for temporary restraining order without prejudice to refiling after he files an amended complaint.


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Plaintiff is cautioned that if he fails to file an amended complaint by August 31, 2022, or if the amended complaint fails to cure all the defects identified in the prior order, *see* Dkt. No. 11, the complaint may be dismissed in its entirety without further leave to amend.

IT IS SO ORDERED.

Dated: 6/16/2022


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California